

RECEIVED

DEC 12 2022

CLERK

U.S. DISTRICT COURT

MINNEAPOLIS, MINNESOTA

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Shaun Lenz

Plaintiff(s),

vs.

Case No. 22-cv-3072 JRT/LIB
(To be assigned by Clerk of District
Court)

Deere & Company

DEMAND FOR JURY
TRIAL

YES X NO

Defendant(s).

(Enter the full name(s) of ALL plaintiffs
and defendants in this lawsuit. Please
attach additional sheets if necessary.)

COMPLAINT

PARTIES

1. List your name, address and telephone number. Do the same for any additional plaintiffs.

a. Plaintiff

Name	<u>Shaun Lenz</u>
Street Address	<u>22739 430th Street</u>
County, City	<u>Todd County, Staples</u>
State & Zip Code	<u>Minnesota, 56479</u>
Telephone Number	<u>713-999-6666</u>

2. List all defendants. You should state the full name of the defendant, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption.

a. Defendant No. 1

Name Deere & Company d/b/a John Deere Company

Street Address 1209 Orange Street

County, City Wilmington

State & Zip Code Delaware 19801

b. Defendant No. 2

Name _____

Street Address _____

County, City _____

State & Zip Code _____

c. Defendant No. 3

Name _____

Street Address _____

County, City _____

State & Zip Code _____

NOTE: IF THERE ARE ADDITIONAL PLAINTIFFS OR DEFENDANTS, PLEASE PROVIDE THEIR NAMES AND ADDRESSES ON A SEPARATE SHEET OF PAPER.

Check here if additional sheets of paper are attached: ☒

Please label the attached sheets of paper to correspond to the appropriate numbered paragraph above (e.g., Additional Defendants 2.d., 2.e., etc.)

JURISDICTION

Federal courts are courts of limited jurisdiction. Generally, two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of

the parties. Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount of damages is more than \$75,000 is a diversity of citizenship case.

3. What is the basis for federal court jurisdiction? (*check all that apply*)

☐ Federal Question ☒ Diversity of Citizenship

4. If the basis for jurisdiction is Federal Question, which Federal Constitutional, statutory or treaty right is at issue? List all that apply.

5. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party? Each Plaintiff must be diverse from each Defendant for diversity jurisdiction.

Plaintiff Name: Shaun Lenz

State of Citizenship: Minnesota

Defendant No. 1: Deere & Company d/b/a John Deere Company

State of Citizenship: Delaware

Defendant No. 2:

State of Citizenship:

Attach additional sheets of paper as necessary and label this information as paragraph

5.

Check here if additional sheets of paper are attached. ☐

6. What is the basis for venue in the District of Minnesota? (*check all that apply*)

Defendant(s) reside in Minnesota ☒ Facts alleged below primarily occurred in Minnesota

Other: explain

STATEMENT OF THE CLAIM

Describe in the space provided below the basic facts of your claim. The description of facts should include a specific explanation of how, where, and when each of the defendants named in the caption violated the law, and how you were harmed. Each paragraph must be numbered separately, beginning with number 7. Please write each single set of circumstances in a separately numbered paragraph.

7. On or about December 11, 2020 (hereinafter referred to as "Subject Incident"), Lenz was harvesting corn using a John Deere 300 corn husker (hereinafter referred to as "the product") pulled behind an International Harvester 1466 tractor at in Briarville, Minnesota.
8. During the harvesting operation, corn became stuck in the product causing it to jam and shut down.
9. Lenz attempted to dislodge the husk from the product; however, the product restarted and his hand was pulled into the product resulting in its amputation.
10. The product has a history of jamming and Manufacturer is aware of the defect but took no action to prevent the jams and resulting injuries.
11. Manufacturer never altered its design to prevent the jams, nor did it change the design to prevent it from restarting or operating when removing a jam.
12. The subject incident was caused by Manufacturer's negligence and fault as follows: Strict Products Liability; Unreasonably dangerous in construction or composition; Unreasonably dangerous in design; Unreasonably dangerous because of inadequate warning; Unreasonably dangerous because of nonconformity to express warranty; and Failing to test its products; Failing to properly guard against injury; Failing to provide clear and adequate instructions on use; Failing to use safer alternative designs; Unfairly and deceptively selling the product to consumers. Selling a product it knew was defective; Selling a product that was unreasonably dangerous when used as intended; Failing to identify how to properly service the product; Failing to identify proper service for the product; Failing to identify proper maintenance of the product; and Failing to provide failsafe and shutoff mechanisms to prevent injury; Failing to warn about product malfunction, defects and service/maintenance risks.

13. At all times mentioned above, Lenz was free from any fault whatsoever contributed to the cause of this accident.

[illegible]

Attach additional sheets of paper as necessary.

Check here if additional sheets of paper are attached: X

Please label the attached sheets of paper to as Additional Facts and continue to number the paragraphs consecutively.

REQUEST FOR RELIEF

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking.

As a direct result of the aforementioned accident, Lenz sustained severe injuries and damages which he outlines as follows: Medical Expenses; Loss of earnings and impaired earning capacity; Physical pain and suffering; Humiliation and embarrassment; Shame; Isolation; Despair; Loss of Mobility and Permanent disability; Mental distress, worry and anxiety; Emotional trauma and insecurity; Scarring and disfigurement; Loss of enjoyment of life and inconvenience; Punitive Damages; Attorney's Fees; Legal interest from the date of judicial demand; and All costs of court and expenses incurred in the prosecution of this litigation.

Date: 12/12/2022

Signature of Plaintiff



Mailing Address

22739 430th Street 25866 County 14
Staples, MN 56479 Browerville, MN 56438

Telephone Number

713-999-6666

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide his/her mailing address and telephone number. Attach additional sheets of paper as necessary.